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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Verein Südwind Entwicklungspolitik, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[1 March 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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IGWG on TNCs on the right way hold corporations accountable to human rights

We as Südwind and the Austrian Civil Society coalition of NGOs and trade unions on the Treaty on transnational corporations and other business enterprises welcome the Report of the third session and especially the discussion on the elements of a Treaty on transnational corporations and other business enterprises (TNCs and OBEs).

In Austria a Civil Society Coalition of NGOs and trade unions supporting the Treaty was formed made up of Attac Austria, DKA-Austria, Bread for the World, Austrian Trade Union Federation, Chamber of Workers, Via Campesina Austria, FIAN Austria, Network Social Responsibilty.

We believe that the elements set the stage for fruitful discussions about the content of the long-awaited international legally binding instrument.
We welcome the Conclusions of the Working Group, particularly:

- Took note of the elements for the draft legally binding instrument on transnational corporations and other business enterprises with respect to human rights, prepared by the Chair-Rapporteur in accordance with paragraph 3 of resolution 26/9 and the substantive discussions and negotiations and the presentation of various views thereof

as well as welcome the recommendations of the Chair-Rapporteur, especially

- to present a draft legally binding instrument on transnational corporations and other business enterprises with respect to human rights, on the basis of the contributions from States and other relevant stakeholders, at least four months before the fourth session of the Working Group, for substantive negotiations during its fourth and upcoming annual sessions until the fulfilment of its mandate;
- to convene a fourth session of the Working Group to be held in 2018 and undertake informal consultations with States and other relevant stakeholders on its programme of work.

We support these elements as they are following on from a credible process during the last years and aim to address the issues needing action and cooperation at international level.

In September 2012 over 5 years ago 254 workers lost their lives and another 55 were injured in the Ali Enterprises Fire Inferno in Karachi, Pakistan sewing our clothes we are wearing daily. In April 2013 in an even more tragic catastrophe 1135 mainly women workers were killed and over 2400 injured when the Rana Plaza building collapsed in Dhaka, Bangladesh. Till today the corporations that produced their clothes in these factories could not be held accountable. Coming from this daily work as human rights NGOs on workers rights violations in the international garment industry and human rights violations by so-called free trade agreements and as trade unions on workers and human rights as well as the ILO conventions we know that it is high time for a binding treaty to hold corporations accountable to human rights.

We welcome the clear references to the recent French legislation on "duty of vigilance" and describing the obligations of TNCs and OBEs with a "preventive" aspect , reinforcing the due diligence approach of the UN Guiding Principles on Business & Human Rights that is of utmost importance to secure and uphold human rights. Also we support the stated objective (para 1.4) to establish and strengthen effective remedy mechanisms so crucial for victims of human rights violations worldwide. We do recommend to clearly frame in the upcoming draft legally binding instrument that TNCs and OBEs means all enterprises and companies operating on and or buying/selling on transnational level as we think here clarification in developing the Elements is needed to ensure that really all business related Human rights violations in complex supply chains with numerous independent supplier companies like in the garment industry are covered.

Throughout the world, support for this treaty is growing, illustrated by the increasingly loud call from affected communities, human rights defenders, and wider civil society, to establish internationally binding and enforceable rules to corporate conduct. Also within Austria and the EU we see there is increased support among academia, civil society organizations, the European and national Parliaments and the wider public.

We urge all members and especially the European Union, and its Member States individually, to actively support the work of the IGWG and the upcoming treaty in line with EU Council Conclusions on EU Priorities in UN Human Rights Fora in 2018 adopted by the Council at its 3598th meeting held on 26 February 2018 stating "the EU will maintain its increasing focus on the protection and promotion of economic, social and cultural rights, as well as continue efforts towards the implementation of the 2030 Agenda for Sustainable Development, through a rights-based approach to realizing the Sustainable Development Goals including the human rights to health, education, food, housing, safe drinking water and sanitation, and decent work, as well as the development and increased coverage of social protection floors, and to closing the gender gap." and calling "to promote accountability for human rights violations and the need for effective remedy for all victims of human rights violations and abuses".

We also ask all states and particularly the European Union and its Member States to launch broad consultations with different government and civil society stakeholders including trade unions and NGOs on the draft legally binding instrument on transnational corporations and other business enterprises to ensure a broad discussion and uptake of issues.

We call for further support in using this historic opportunity for a TNC treaty in a constructive and open spirit and show that we can really act for upholding human rights before high profit and thereby realize the potential of enhancing global human rights standards and a level playing field.